

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA

FILED
for Roanoke
MAR 24 2008

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
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United States of America)

v.)

James Cedrick Hayden)

Case No: 7:94CR00078-001

USM No: 04518-084

Date of Previous Judgment: November 27, 1996)

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 352 months is reduced to 295* months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 40

Amended Offense Level: 38

Criminal History Category: I

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Previous Guideline Range: 292 to 365 months

Amended Guideline Range: 235 to 293 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

* Defendant's total term of imprisonment of 295 months consists of 235 months as to counts 1, 2, 3, 4 and 6 to run concurrently with each other; 60 months as to count 5, to be served consecutively to all other counts.

Except as provided above, all provisions of the judgment dated Nov. 27, 1996 shall remain in effect.

IT IS SO ORDERED.

Order Date: 3-24-08

Effective Date: March 3, 2008 4-3-08
(if different from order date)

[Signature]
Judge's signature

Senior United States District Judge Jackson L. Kiser
Printed name and title